IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 5:16-913-D

FRANCIS X. DE LUCA,	)
	)
Plaintiff,	)
	)
v.	)
	)
THE NORTH CAROLINA STATE BOARD OF ELECTIONS; KIM WESTBROOK STRACH, in her official capacity as the Executive Director of the State Board; and A. GRANT WHITNEY, RHONDA K. AMOROSO, JOSHUA D. MALCOLM; JAMES BAKER and MAJA KRICKER, in their official capacities as members of the State Board of Elections,	)
	)
Defendants.	)
	)

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, Francis X. De Luca, by and through undersigned counsel, moves the Court, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, for a preliminary injunction against Defendants North Carolina State Board of Elections, Kim Westbrook Strach, A. Grant Whitney, Rhonda K. Amoroso, Joshua D. Malcolm, James Baker, and Maja Kricker. In support thereof, Plaintiff states as follows:

1. On November 22, 2016, Plaintiff filed his Complaint for Declaratory and Injunctive Relief, alleging that Defendants are in violation of the National Voter Registration Act, 42 U.S.C. § 1973gg-6, and are in violation of 42 U.S.C. § 1983 by depriving Plaintiff of his right to equal protection of the laws.

2. Plaintiff seeks a preliminary injunction enjoining Defendants from including any ballots cast by the Same Day Registration ("SDR") method of voting in the final statewide vote count in North Carolina until the mail verification process under N.C. Gen. Stat. § 163-82.7 is completed for all such SDR ballots.
3. Further, Plaintiff seeks a preliminary injunction enjoining Defendants from including any SDR ballots in the final statewide vote count that failed the mail verification process under N.C. Gen. Stat. § 163-82.7.
4. The Federal Rules of Civil Procedure provide for the issuance of a preliminary injunction under the circumstances presented here.
5. Plaintiff respectfully requests an expedited hearing on this motion in light of the exigent circumstances regarding the need to resolve this matter so that all properly verified SDR ballots may be timely counted and certified for inclusion in the statewide vote count.
6. In support of his motion, Plaintiff will submit a Memorandum of Law addressing all necessary elements for the entry of a preliminary injunction.

This the 23rd day of November, 2016.

Respectfully submitted,

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*appearing pursuant to Local Rule 83.1(d)

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